

LONNIE D. SNELLING)
)
 Plaintiff,)
)
 v.) Case No. 4:19 CV 951 RWS
)
 CITY OF ST. LOUIS, MISSOURI)
)
 Defendants.)

Plaintiff Lonnie Snelling moves for an extension of time in which to serve individual defendants who are employees of Defendant City of St. Louis. Snelling seeks discovery from the City of St. Louis to determine the appropriate means of serving the individual defendants. The City of St. Louis, however, has filed a motion to dismiss all of Snelling's claims for failure to state a claim and for failure to make a concise and plain statement of the basis of his claim. No discovery will be permitted in this case until after I have ruled on the City's motion to dismiss.

Snelling also moves for an entry of clerk's default against Defendant Willie C. Hemphill. Snelling's complaint makes clear that the amount in controversy for his claim against Hemphill is \$19,157.67 from a state court default judgment. Additionally, Snelling does not plead that he and Hemphill have diverse citizenship from one another. As a result, I do not have jurisdiction over Snelling's

state law claim against Hemphill, 28 U.S.C. § 1332, and I must dismiss this portion of his complaint.

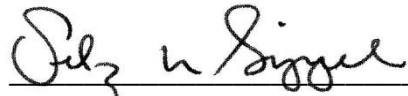
Accordingly,

IT IS HEREBY ORDERED that Count IX of Snelling's complaint is **DISMISSED**.

IT IS FURTHER ORDERED that Snelling's motion for clerk's entry of default, [No. 222], is **DENIED**.

IT IS FURTHER ORDERED that Snelling's motion for an extension in which to serve Defendants, [No. 221] is **DENIED**. If Snelling's complaint survives the City's motion to dismiss, Snelling may have future discovery of the individual defendants' contact information and serve them at his earliest opportunity.

IT IS FURTHER ORDERED that Snelling may file his response to the Defendant's motion to dismiss, [No. 17], no later than **July 25, 2019**. Failure to follow this court order may lead to dismissal of this case.



RODNEY W. SIPPEL
UNITED STATES DISTRICT JUDGE

Dated this 16th day of July, 2019.